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2 **FOX ROTHSCHILD LLP**
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7 dforbush@foxrothschild.com
8 *Attorneys for Defendant Keolis Transit America, Inc.*

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TEAMSTERS, CHAUFFEURS,
WAREHOUSEMEN AND HELPERS AND
PROFESSIONAL, CLERICAL, PUBLIC
AND MISCELLANEOUS EMPLOYEES,
LOCAL UNION NO. 533,

Petitioner,

v.

KEOLIS TRANSIT AMERICA, INC., A
Delaware Corporation;

Respondent.

Case No.: 3:21-CV-00167-MMD-CLB

**DEFENDANT KEOLIS TRANSIT
AMERICA, INC.'S MOTION FOR
EXTENSION OF TIME TO RESPOND
TO PLAINTIFF'S PETITION**

Respondent, Keolis Transit America, Inc. ("Keolis"), by and through its undersigned counsel and pursuant to Nev. R. Civ. P. 6(b)(1)(B)(i), hereby files this Motion for Extension of Time to Respond to the Petition filed by Petitioner, Teamsters, Chauffeurs, Warehousemen, Helpers, and Professional, Clerical, Public, and Miscellaneous Employees, Local Union No. 533 (the "Union") originally due May 5, 2021, and in support states:

1. The Union filed the instant matter on April 9, 2021.
2. Keolis' lead counsel, Arturo Ross, Esquire, joined Fox Rothschild, LLP on April 5, 2021, and has been diligently working to transfer client files from his former firm. Mr. Ross brought in excess of 250 matters with him, many of which, including the instant matter, are being assigned to other lawyers at Fox Rothschild due to the volume.
3. On April 14, 2021, counsel for the Union, Matthew J. Gauger, sent a letter to

1 Mr. Ross enclosing a courtesy copy of the "Complaint" [sic] and stating that "Tiffany Crain
2 will follow-up with you regarding Waiver of Service and other procedural matters once she
3 returns next week." (A true and correct copy of the letter is attached as **Exhibit "A."**)

4 4. According to the docket, notwithstanding the Union's representation regarding
5 Waiver of Service ("Waiver"), without making contact with Respondent's counsel, Ms. Crain
6 filed a return of service of summons on April 21, 2021.

7 5. On April 26, 2021, counsel for Keolis wrote to Union counsel and inquired
8 about the waiver, or in the alternative, seeking a brief extension of time of until May 26, 2021,
9 within which to file a responsive pleading. (A true and correct copy of the email is attached as
10 **Exhibit "B."**)

11 6. On April 28, 2021, Ms. Crain responded refusing all professional courtesy and
12 denying the request, stating that the "matter is urgent and cannot afford delay." This, despite
13 that fact that had Keolis executed a Waiver, the response date would be June 14, 2021, at the
14 earliest. (A true and correct copy of the letter is attached as **Exhibit "C."**)

15 7. This is the Respondent's first request for an extension of time to file a reply.

16 8. The Union is seeking to enforce an arbitration award, despite that the matter is
17 not yet ripe for consideration by this Court.

18 9. Defendant requires additional time to adequately brief the issues before the
19 Court.

20 10. The extension of time requested herein is not sought for purposes of delay or
21 any other improper purpose.

22 11. This matter is not set for trial and neither the parties, nor the Court, will be
23 prejudiced as a result of the extension of time requested herein.

24 12. In light of the foregoing, Defendant requests an additional twenty (21) days to
25 respond to Plaintiff's Petition. Accordingly, provided the instant request is granted, Defendant
26 will serve a response to the Complaint on or before May 26, 2021.

27 ///

1 WHEREFORE, Defendant, Keolis Transit America, Inc. respectfully requests entry of
2 an Order granting an extension of time within which to serve a response to Plaintiff's Petition to
3 and including May 26, 2021 and granting such other and further relief as is just and proper.

4 Dated this 3rd day of May, 2021.

5 **FOX ROTHSCHILD LLP**

6 /s/ Deanna L. Forbush

7 DEANNA L. FORBUSH (6646)

8 1980 Festival Plaza Drive, #700

9 Las Vegas, Nevada 89135

Attorneys for Respondent

Keolis Transit America, Inc.

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11 IT IS SO ORDERED.

12 Dated: May 3, 2021

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UNITED STATES MAGISTRATE JUDGE

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Kristina L. Hillman
Tiffany L. Crain
Sean W. McDonald
Law Offices of Kristina L. Hillman
Affiliated with Weinberg, Roger & Rosenfeld
1594 Mono Avenue
P.O. Box 1987
Minden, Nevada 89423
Attorneys for Petitioner

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INDEX OF EXHIBITS

EXHIBIT	DESCRIPTION
A	Letter from Matthew J. Gauger to Arturo Ross, dated April 14, 2021
B	Email from Lori Armstrong Halber to Dusty James and Matthew Gauger, dated April 26, 2021
C	Letter from Kristina L. Hillman to Lori Armstrong Halber, dated April 28, 2021

EXHIBIT A

**Letter from Matthew J. Gauger
to Arturo Ross, dated April 14,
2021**

**Weinberg
Roger &
Rosenfeld**
A Professional Corporation

431 I Street, Suite 202
Sacramento, California 95814
TELEPHONE: (916) 443-6600
FACSIMILE: (916) 442-0244
Matthew J. Gauger
mgauger@unioncounsel.net

STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. SOKOL
ANTONIO RUIZ
MATTHEW J. GAUGER
ASHLEY K. IKEDA
LINDA BALDWIN JONES
PATRICIA A. DAVIS
ALAN G. CROWLEY
KRISTINA L. HILLMAN
BRUCE A. HARLAND
CONCEPCION E. LOZANO-BATISTA
CAREN P. SENCER
ANNE L. YEN
KRISTINA M. ZINNEY
JANNAH V. MANANSALA
MANUEL A. BOIGUES
KERRIANNE R. STEELE
GARY P. PROVENCHER
EZEKIEL D. CARDELL
LISL R. SOTO
JOLENE KRAMER
ALEJANDRO DELGADO
CAITLIN E. GRAY
TIFFANY L. CRAIN
XOCHITL A. LOPEZ

April 14, 2021

VIA EMAIL ONLY

Mr. Arturo Ross
Fox Rothschild, LLP
One Biscayne Tower
2 South Biscayne Blvd., Suite 2750
Miami, FL 33131
Email: aross@foxrothschild.com

DAVID W.M. FUJIMOTO
ALEXANDER S. NAZAROV
THOMAS GOTTHEIL (1986-2019)
JERRY P.S. CHANG
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ALAINA L. GILCHRIST
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KARA L. GORDON
P. ANN SURAPRUK
MAXIMILIAN D. CASILLAS

OF COUNSEL

ROBERTA D. PERKINS
NINA FENDEL
ROBERT E. SZYKOVNY
ANDREA K. DON
LORI K. AQUINO

Admitted in Hawaii
Also admitted in Nevada
Also admitted in Illinois
Also admitted in New York and
Alaska
Also admitted in Minnesota
Admitted in Nevada and
Washington

**Re: Teamsters Local 533 v. Keolis Transit America, Inc.
U.S. District Court, District of Nevada, Case No. 3:21-cv-00167-MMD-CLB**

Dear Mr. Ross:

Please find attached a courtesy copy of the Complaint our office filed against Keolis last week. Tiffany Crain will follow-up with you regarding Waiver of Service and other procedural matters once she returns next week.

In the meantime, please contact me if you have any questions or concerns.

Sincerely,

Matthew J. Gauger

MJG:daj
opeiu 29 afl-cio(1)
Enclosures
cc: Clients
Tiffany Crain
Sean McDonald

150712\1161728

EXHIBIT B

**Email from Lori Armstrong
Halber to Dusty James and
Matthew Gauger, dated April
26, 2021**

From: Armstrong Halber, Lori
Sent: April 26, 2021 2:37 PM
To: djames@unioncounsel.net; mgauger@unioncounsel.net
Cc: tcraib@unioncounsel.net; smcdonald@uioncounsel.net; Ross, Arturo <ARoss@foxrothschild.com>; Rivera, Kimberly R. <KRivera@foxrothschild.com>
Subject: FW: Teamsters Union Local 533 v. Keolis Transit America/USDC District of Nevada Case No. 3:21-00167-MMD-CLB

Good afternoon,

I write in response to your below email. I will be representing Keolis Transit America in the above-referenced matter.

While we would be interested in executing a waiver of service of summons, it appears from the docket that your firm filed proof of service on April 21 showing a service date of April 14, which is the same date as your below email. As you may know, Mr. Ross only recently transitioned to Fox Rothschild and we are still working through transitioning files, etc. Accordingly, insofar as it appears we cannot now execute the waiver, would you be willing to enter into a stipulation extending the time in which to file a response until May 26, 2021?

Finally, shall we schedule time to discuss the issues in the case and see whether there may be a resolution that would avoid litigation?

Lori Armstrong Halber

Partner

Fox Rothschild LLP

Stone Manor Corporate Center

2700 Kelly Road, Suite 300

Warrington, PA 18976

(215) 918-3543 – direct

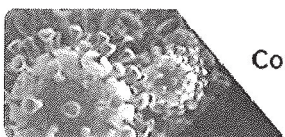
(215) 519-7798 – cell

(215) 345-7507 – fax

LArmstrongHalber@foxrothschild.com

www.foxrothschild.com

[Bio](#) [vCard](#) [LinkedIn](#)



Coronavirus (COVID-19)
Resource Center

From: Dusty James <DJJames@unioncounsel.net>

Sent: Wednesday, April 14, 2021 12:23 PM

To: Ross, Arturo <ARoss@foxrothschild.com>

Cc: Matt Gauger <MGauger@unioncounsel.net>; Tiffany Crain <tcrain@unioncounsel.net>; Sean W. McDonald <SMcdonald@unioncounsel.net>

Subject: [EXT] Teamsters Union Local 533 v. Keolis Transit America/USDC District of Nevada Case No. 3:21-00167-MMD-CLB

Dear Mr. Ross:

Attached please find correspondence from Matthew Gauger in the above-referenced matter. If you cannot open the documents, please contact me. Thank you.

Dusty Ann James, opeiu 29 afl-cio(1)

Legal Secretary to Matthew J. Gauger, Gary Provencher, Tiffany Crain Altamirano, Andrea Matsuoka, Abel Rodriguez, III and Sean W. McDonald

Weinberg Roger & Rosenfeld

431 I Street, Suite 202

Sacramento, Ca 95814

916 443-6600 Office

916 442-0244 Fax

Please note our new address.

This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in or attached to the message. If you have received the message in error, please advise the sender by reply e-mail at mgauger@unioncounsel.net and delete the message.

EXHIBIT C

**Letter from Kristina L. Hillman
to Lori Armstrong Halber,
dated April 28, 2021**

LAW OFFICES OF KRISTINA L. HILLMAN

Kristina L. Hillman
Kerianne R. Steele
Tiffany Crain Altamirano
Sean W. McDonald

1594 Mono Avenue
P.O. Box 1987
Minden, Nevada 89423
Telephone 775-770-4832
Fax 775-782-6932

April 28, 2021

VIA EMAIL AND U.S. MAIL

Ms. Lori Armstrong Halber
Fox Rothschild LLP
Stone Manor Corporate Center
2700 Kelly Road, Suite 300
Warrington, PA 18976
LArmstrongHalber@foxrothschild.com

**Re: Teamsters Local 533 v. Keolis Transit America, Inc.
U.S. District Court, District of Nevada, Case No. 3:21-cv-00167-MMD-CLB**


Dear Ms. Armstrong Halber:

I am writing to follow up on your email of Monday, April 26, 2021 in which you asked for an extension to file a responsive pleading and inquired as to my availability to discuss settlement. Please provide your availability to discuss via email, or by calling me at (916) 443-6600.

Regarding your request for an extension of time to file a responsive pleading, by our calculation, the employer's responsive pleading is due on May 5, 2021. Our office generally grants extensions with due consideration for the mutual need from one another in order to conduct cases in a civilized manner. However, this matter is urgent and cannot afford delay. Further, you have provided no legal basis for an extension. Therefore, we are unwilling to stipulate to any extensions.

Please contact me if you have any questions or concerns.

Sincerely,



Tiffany L. Crain

TLC:tg
opeiu 29 afl-cio(1)
cc: Client

150712\1165408

Affiliated with
Weinberg, Roger & Rosenfeld, A Professional Corporation

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